IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

SECOND APPEAL NO. 197 OF 2002

Office notes, office memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.

Court's or Judge's orders.

CORAM : ABHAY S.OKA, J.

DATED : 16th August, 2004.

P.C.:

1. Heard learned Counsel appearing for the Appellants. The Appeal is by the original Plaintiffs. The trial Court decreed the suit filed by the Appellants. In an appeal preferred by the Respondents/Defendants, the Appellate Court found that the Appellants are entitled only to 1/3rd share in the property in question. The finding that the Appellants have acquired only 1/3rd share is the finding of fact based on the evidence on record. There is neither any perversity nor illegality in the said finding.

2. As a result of the finding, the Appellate Court has moulded the decree passed by the trial Court by modifying the same. No fault can be found with the approach of the Appellate Court. No substantial question of law arises in the Appeal. The Second Appeal is dismissed with no order as to costs.

Judge.